

2018 Jul-16 PM 02:43
U.S. DISTRICT COURT
N.D. OF ALABAMA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

DERRICK WALTON,)
)
 Claimant,)
)
 vs.) **Civil Action No. 5:16-cv-01199-CLS**
)
 NANCY A. BERRYHILL, Acting)
 Commissioner, Social Security)
 Administration,)
)
 Defendant.)

MEMORANDUM OPINION AND ORDER

The magistrate judge filed a report on June 15, 2018, recommending that this court should reverse the decision of the Commissioner of the Social Security Administration to deny claimant's claim for a period of disability, disability insurance, and supplemental security income benefits, and remand the case to the Commissioner for consideration of claimant's use of a cane during the formulation of claimant's residual functional capacity.¹ Claimant was notified of his right to file objections within fourteen days of the report and recommendation,² but to date, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court

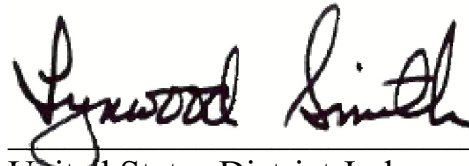
¹ Doc. no. 13 (Report and Recommendation).

² *Id.* at 26-27.

file, including the report and recommendation, the court concludes that the Commissioner's decision was not supported by substantial evidence because it did not discuss claimant's need to use a cane. Accordingly, the magistrate judge's report is hereby **ADOPTED**, and the recommendation is **ACCEPTED**. The decision of the Commissioner is **REVERSED**, and this action is **REMANDED** to the Commissioner of the Social Security Administration for further proceedings consistent with this memorandum opinion and order.

The Clerk is directed to close this file.

DONE this 16th day of July, 2018.



United States District Judge